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Crl.O.P.No.9064 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9064 of 2025

R.Sivaprakasam,
S/o.Rathinasamy,
Kuthanur Road, Rangasamudram,
Sathyamangalam, Erode District - 638 402.

Petitioner(s)

Vs

The State Represented by, The Inspector of Police,
Andhiyur Police Station,
Erode District - 638 501.
Cr.No.611/2024.

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the Petitioners on Bail
in the event of arrest in Crime No. 611/ 2024 on the file of the Respondent
police and pass such or other orders to deem fit and proper to the facts and
circumstances of this case and thus render justice.

For Petitioner(s): Mr.Vijaya Kumar

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318, 112 of BNS and Sec.5, 7(3) of Lotteries Regulation Act, 1998 in Crime No.611 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail petition before this Court. The earlier bail petition in Crl.O.P.No.31584 of 2024 was dismissed as withdrawn on 18.12.2024 by Hon'ble Mr.Justice A.D.Jagadish Chandira, and this anticipatory bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that, on 09.12.2024, the de-facto complainant Karthi was urged and compelled to buy lottery tickets by Ganesan (A1) on several occasions but he never won a price even once. The said Ganesan had again informed the de-facto complainant that he bought the tickets from the petitioner, who in turn bought tickets from the co-accused.



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4. Learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner is sought to be implicated based on the confession of the co-accused and prayed for anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and on instruction submitted that there is one previous case is pending against the petitioner. He further submitted that the other accused was arrested and released on bail.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

7. Considering the fact that the petitioner is sought to be implicated based on confession of co-accused; that though the earlier petition filed by the petitioner was dismissed as withdrawn on 18.12.2024,



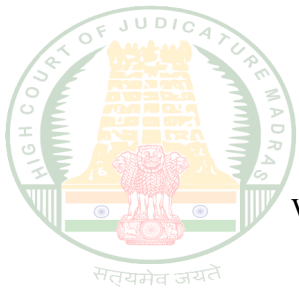
the respondent has not arrested the petitioner so far and since custodial interrogation is not required for the purpose of investigation at this stage, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-II, Bhavani**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, everyday at 10:30 a.m., until further orders.

[c]the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

The State Represented by, The Inspector of Police,
Andhiyur Police Station,
Erode District - 638 501.
Cr.No.611/2024.

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SUNDER MOHAN, J.
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